

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

ALFRED JOHN SUFKA,

Civil No. 08-338 MJD/SRN

Plaintiff,

v.

ORDER

HEALTH SERVICES DEPARTMENT OF  
CORRECTIONS, Doctor HENRY LEE,  
DARIN Phiscal Therapist, Doctor  
BURKHALTER, Doctor BARNEY, and  
Nurse Practitioner JENNIFER  
SOUTHWICK,

Defendants.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated July 1, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's applications to proceed in forma pauperis, (Docket Nos. 2 and 16), are **DENIED**;
2. Plaintiff's pending motion for appointment of counsel, (Docket No. 14), is **DENIED**;
3. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
4. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely

the full \$350.00, in accordance with 28 U.S.C. § 1915(b)(2); and

5. For purposes of 28 U.S.C. § 1915(g), this action is dismissed “on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted.”

DATED: July 31, 2008.

s/Michael Davis

Judge Michael J. Davis

United States District Court Judge